

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Andre Jamel Davis

23 CV 00885

Write the full name of each plaintiff.

CV  
(Include case number if one has been assigned)

-against-

Sgt HORTON (4023) PO GONZALEZ (17878) PO  
CALLE,JEAN (9283) PO SADITA (2923)

COMPLAINT

Do you want a jury trial?

Yes  No

2023 FEB 12 PM 3:22

Write the full name of each defendant. If you need more space, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section II.

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

## I. BASIS FOR JURISDICTION

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation, and the amount in controversy is more than \$75,000, is a diversity case. In a diversity case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal-court jurisdiction in your case?

- Federal Question**
- Diversity of Citizenship**

### A. If you checked Federal Question

Which of your federal constitutional or federal statutory rights have been violated?  
US Code Title 18 sec 241 & 242 (where theft accurred)

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42 U.S.C. sec 1983, sec 1985, & sec1986

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damaging property (2022 Black Toyota 4Runner)

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### B. If you checked Diversity of Citizenship

#### 1. Citizenship of the parties

Of what State is each party a citizen?

The plaintiff, \_\_\_\_\_, is a citizen of the State of  
(Plaintiff's name)

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(State in which the person resides and intends to remain.)

or, if not lawfully admitted for permanent residence in the United States, a citizen or  
subject of the foreign state of

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If more than one plaintiff is named in the complaint, attach additional pages providing  
information for each additional plaintiff.

If the defendant is an individual:

The defendant, \_\_\_\_\_, is a citizen of the State of  
(Defendant's name)

or, if not lawfully admitted for permanent residence in the United States, a citizen or  
subject of the foreign state of \_\_\_\_\_

If the defendant is a corporation:

The defendant, \_\_\_\_\_, is incorporated under the laws of  
the State of \_\_\_\_\_  
and has its principal place of business in the State of \_\_\_\_\_  
or is incorporated under the laws of (foreign state) \_\_\_\_\_  
and has its principal place of business in \_\_\_\_\_.

If more than one defendant is named in the complaint, attach additional pages providing  
information for each additional defendant.

## II. PARTIES

### A. Plaintiff Information

Provide the following information for each plaintiff named in the complaint. Attach additional  
pages if needed.

Andre	Jamel	Davis
First Name	Middle Initial	Last Name
5951 Riverdale Avenue #454		
Street Address		
Bronx	New York	[10471]
County, City	State	Zip Code
917-364-7313	kldajdnygz@gmail.com	
Telephone Number	Email Address (if available)	

**B. Defendant Information**

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. Attach additional pages if needed.

Defendant 1:	<b>?</b>		
	<b>HORTON</b>		
	First Name	Last Name	
	<b>Sargent NYPD (shield# 4023)</b>		
	Current Job Title (or other identifying information)		
	<b>3450 Kingsbridge Ave (50th precinct)</b>		
	Current Work Address (or other address where defendant may be served)		
	Bronx	NY	10463
	County, City	State	Zip Code
Defendant 2:	<b>?</b>		
	<b>SEDITA</b>		
	First Name	Last Name	
	<b>POLICE OFFICER (shield# 2923)</b>		
	Current Job Title (or other identifying information)		
	<b>3450 Kingsbridge Ave (50th precinct)</b>		
	Current Work Address (or other address where defendant may be served)		
	Bronx	NY	10463
	County, City	State	Zip Code
Defendant 3:	<b>?</b>		
	<b>GONZALEZ</b>		
	First Name	Last Name	
	<b>POLICE OFFICER (shield# 17878)</b>		
	Current Job Title (or other identifying information)		
	<b>3450 Kingsbridge Ave (50th precinct)</b>		
	Current Work Address (or other address where defendant may be served)		
	Bronx	NY	10463
	County, City	State	Zip Code

Defendant 4:	Jean	Calle
	First Name	Last Name
<b>POLICE OFFICER (shiel# 9283)</b>		
Current Job Title (or other identifying information)		
<b>3450 Kingsbridge Ave (50th precinct)</b>		
Current Work Address (or other address where defendant may be served)		
Bronx	NY	10463
County, City	State	Zip Code

### III. STATEMENT OF CLAIM

Place(s) of occurrence: Van Courtlandt Ave/Major Deegan North bound

Date(s) of occurrence: 01/31/2023

#### FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and what each defendant personally did or failed to do that harmed you. Attach additional pages if needed.

On Janaury 31st at approximately 2:27 pm an NYPD jeep driven by PO SEDITA (2923) accompanied by Sargent HORTON (4023) PO CALLE, JEAN (9283) and PO GONZALES (17878) initiated the cars' lights and sirens (in violation of ARMED USE OF EMERGENCY LIGHTS IN A NON-EMERGENCY) pulled behind me and suggested that I pull over. Sargent HORTON (4023) & PO SEDITA (2923) declared my license plates were the reason for the stop. No Reasonable Articulable suspcion (RAS) was had nor given. Per the (over an hour long) unlawful detention Sargent HORTON (4023) & PO GONZALEZ (17878) opened my driverside & passenger side doors refusing to close them. With no warrant or probable cause I was told by PO GONZALEZ (17878) backed by Sargent HORTONS aggression to exit my vehicle or I would be arrested. I complied with the unlawful order STRICTLEY UNDER THREAT, COERCION & DURESS. I BEGGED Sargent HORTON (4023) to not violate my rights to no avail, I asked all the officers on scene to honor their oaths to no avail. I asked Sargent HORTON for a supervisor to help deescalte to no avail. Eventually I was told that my private consumer good (see UUC 9-109) would be "towed" & I would need "proof of ownership, a drivers license & registration" to retrieve my private consumer good. Sargent HORTON (4023) informed me that my private consumer good would be towed to 5J's automotive. On 02/01/2023 I went to 5J's to check on my private consumer good I discovered it had been damaged. The hood smashed in, the front bumper is cracked & there are scratches all over the body. 5J's has given me a written statement contesting they did not damage my private consumer good & hadn't picked it up from the where police had pulled me over. I witnessed the tow truck driving away with private consumer good on a flatbed, but couldn't see it's condition. The cost of the damages in two (2) estimates is \$3,000,00.

## INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

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#### IV. RELIEF

State briefly what money damages or other relief you want the court to order.

For damages enclosed in affidavit attached \$1,755,500

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## V. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

02/01/2023

Dated

Andre

J

*: Andre - Jamel : Davis !*  
Plaintiff's Signature

*001-308*

Davis

First Name

Middle Initial

Last Name

5951 Riverdale Avenue #454

Street Address

Bronx

New York

[10471]

County, City

State

Zip Code

917-364-7313

*kldajdnygz@gmail.com*

Telephone Number

Email Address (if available)

I have read the Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

Yes  No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.

01/31/2023

certified mail #

## **AFFIDAVIT OF THE Violation of my UNALIENABLE rights!**

Notice to agent is notice to principle and notice to principle is notice to agent!

Notice and warning to all agents and officers of any defect government entity/agency.  
THE STATE OF NEW YORK (D-U-N-S # 041002973)  
CITY OF NEW YORK (D-U-N-S # 0221741036)  
NEW CITY POLICE DEPARTMENT (D-U-N-S # 0097797532)

As per my lawful Counsel, I retain and reserve all my rights as per the UCC 1-308 and through the supremacy clause of the Constitution, the Universal Declaration of Human Rights, the International Covenant on civil and Political Rights, as all are known as supreme law. Once these treaties are brought into light you must obey them or face serious consequences. You are trespassing, and depriving me of life, liberty and my right to be left alone. You are attempting to commit multiple felony crimes under the fraudulent doctrine of *Parens Patriae* or *Loco Parentis*.

There will be no acceptance by me of any presumption(s) or assumption(s) of my status, standing, jurisdiction as above I hereby retain my "Right of Self Determination" I do not consent to anything. I will not sign anything. I am challenging jurisdiction. We have no contractual agreement, and there will be no tacit agreements of me being a Citizen, Person, Resident, or Subject, As I am not!

On January 31st at approximately 2:27pm an NYPD jeep style cruiser driven by PO SEDITA (shield # 2923) accompanied by Sargent HORTON (shield # 4023) and PO CALLE, JEAN (shield # 9283) and PO GONZALEZ (shield # 17878) initiated the cars' lights and sirens in violation of (ARMED USE OF EMERGENCY LIGHTS IN A NON-EMERGENCY - a \$200,000,00 fine). Also per TRAFFIC REGULATIONS-section (Enforcement and obedience} sec 71.006 EMERGENCY VEHICLES, PROCEDURE, PENALTY. (C) Responsibilities of driver of emergency vehicle. (1) The driver of any emergency vehicle, defined in sec 70.01, "SHALL NOT SOUND THE SIREN THEREON OR HAVE THE FRONT RED LIGHTS OR BLUE LIGHTS ON EXCEPT WHEN SUCH VEHICLE IS RESPONDING TO AN EMERGENCY CALL OR WHEN IN PURSUIT OF AN ACTUAL OR SUSPECTED

LAW VIOLATOR, OR WHEN RESPONDING TO, BUT NOT UPON RETURNING FROM A FIRE". Which was not the case, Sargent HORTON(shield #4023) declared my private license plates to be the cause of the custodial arrest. No Reasonable Articulable Suspicion (RAS) was had nor given. Per the unlawful detention (which lasted over an hour) Sargent HORTON (shield #4203) told me his patience was running thin with me and I had two (2) options 1- " show proof of ownership to be able to go on my way or get arrested if I don't get out of my vehicle so Sargent HORTON (shield #4023) can have it "towed" to 5 J's automotive. I was told by PO GONZALEZ (17878) that I would be arrested if I didn't relinquish to them my private consumer good see (UCC 9-109) with no choice, under threat, coercion and duress I followed the unlawful order. I was informed by Sargent HORTON (shield # 4023) of my guilt and told by Sargent HORTON no crime was committed however my private consumer good (UCC 9-109) was going to be taken from me until "I get it registered". I requested a supervisor and was denied by Sargent HORTON (shield 4203)saying he was the only authority on shift. Two (2) tickets/offers to contract (ABC8277813) & (ABC8277872) were received and rescinded on 01/31/2023 and returned certified mail (see attached). I also informed the police of my right to travel and that the payment for a privilege requires a benefit to be received, As the RIGHT TO TRAVEL is already secured, it is clearly unlawful to cite any charges without direct damage to the specific party. Nor may a Citizen be charged with an offense for the exercise of a CONSTITUTIONAL RIGHT, in this case the RIGHT TO TRAVEL. Please see Miller vs UNITED STATES 230 F2d 486. Nor may a Citizen be denied DUE PROCESS OF LAW or EQUAL PROTECTION UNDER THE LAW. "The State citizen is immune from any and all government attacks and procedure absent contract" see, Dred Scott vs. Sanford, 60 U.S. (19 How.) 393 or as the Supreme Court has stated clearly, " every man is independent of all laws, He is not bound by any institutions formed by his fellowmen without his consent." I GIVE NO CONSENT.

**AUTHORITY FOR FINES (DAMAGES) CAUSED BY GOVERNMENT OFFICERS:**

**-BREACH-PENALTY-AUTHORITY-**

Violation of oath of office - \$250,000,00 18 USC sec 3571; 28 USC sec 3002(15)

Armed abuse of office - \$200,000,00

Armed abuse of authority - \$200,000,00

Armed use of emergency lights in a non-emergency - \$200,000,00

Slavery (forced compliance to contracts not held) - \$250,000,00 18 USC sec 3571

Denied Provisions in the constitution - \$250,000,00 18 USC sec 3571

Armed deprivation of rights under color of law - \$200,000,00 18 USC sec 3571

Emotional distress - \$200,000,00 32 CFR sec; 536.77(a)(3)(vii)

Acting as agents of foreign principles - \$200,000,00 18 USC sec 219

Armed racketeering - \$200,000,00 18 USC 1964

Legal research {Response Sundry} - \$25,000,00

Unauthorized communication - \$30,000,00

Miscellaneous {Notary, Postage, Gas, Millage} - \$500

Total - \$1,755,500.

Warning: As per USC Title 18 section 242, you are acting under color of law and are depriving me of my rights. Also USC Title 18 section 241 says its a conspiracy to deprive me of my rights. Both of these and other felonies you are committing. If you continue to I will be forced to file criminal tort charges against you personally in your private capacity. Under 42 U.S.C. section 1983, I may sue state or local officials for the "deprivation of any rights, privileges or immunities secured by the Constitution and {federal laws}" Under Bins v. Six Unknown Named agents of the Federal Bureau of Narcotics, 403 U.S.388 (1971) I may sue federal officials for the violation of certain constitutional rights. These crimes carry penalties of \$200,000,00 + and up to 10 years in prison for each count. I will not submit, contract, or consent to any officer, agent or any order from any administrative court or private corporate de facto BAR ACTORS and I will treat them equally as I would other trespassers. So, unless you have a warrant from a Constitutional article I or article III court that clearly states it's exact purpose, place and thing and which is backed up by a sworn claim, (NOT A COMPLAINT AS ANYONE CAN COMPLAIN ABOUT ANYTHING WITH NO CONSEQUENCES) An affidavit or sworn testimony given under oath and under penalty of perjury, please leave immediately. I hereby now plead the fifth.

Sincerely,

By :Andre-Jamel of the tribe/family Davis: a free inhabitant of the United States of America Republic Sui Juris, Jus Soli, under supreme law {NOT STATE OF NEW YORK CORPORATION - statute or policy/Corp, bylaws} Two (2) distinct and vastly separate jurisdictions, I HEREBY CHALLENGE JURISDICTION!

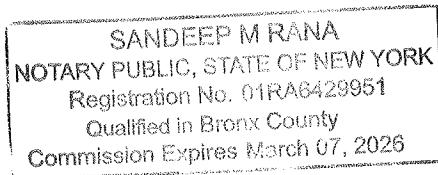
"IF THE SON THEREFORE SHALL MAKE YOU FREE, YE SHALL BE FREE INDEDD"  
John 8:36

By: Andre-Jamel Davis

All rights reserved none waived, without prejudice, without recourse

Signature of Notary

Date 2 / 1 / 2023



Seal of Notary